

DAVID M.C. PETERSON
California State Bar No. 254498
FEDERAL DEFENDERS OF SAN DIEGO, INC.
225 Broadway, Suite 900
San Diego, California 92101-5008
Telephone: (619) 234-8467
E-mail: david_peterson@fd.org

Attorneys for Mr. Haynes

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE DANA M. SABRAW)

UNITED STATES OF AMERICA,)	Case No. 08cr0366-DMS
)	
Plaintiff,)	Date: May 23, 2008
)	Time: 2:00 p.m.
v.)	
)	NOTICE OF MOTION AND
JAMES HAYNES, III,)	MOTION TO RECONSIDER DENIAL OF
)	MOTION TO DISMISS INDICTMENT BASED
)	UPON DEPORTATION OF MATERIAL
Defendant.)	WITNESSES
_____)	_____

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY;
AARON CLARK, ASSISTANT UNITED STATES ATTORNEY;

PLEASE TAKE NOTICE that on March 28, 2008, at 11:00 a.m., or as soon thereafter as counsel may be heard, the accused, James Haynes, III, by and through his attorneys, David M.C. Peterson and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions outlined below.

MOTIONS

Defendant, Mr. Haynes, by and through his attorneys, David M.C. Peterson and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

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1 (1) Reconsider denial of Mr. Haynes' motion dismiss the indictment because the government
2 deported exculpatory witnesses;

3 This motion is based upon the instant motions and notice of motions, the attached statement of facts
4 and memorandum of points and authorities, and any and all other materials that may come to this Court's
5 attention at or before the time of the hearing on these motions.

6 Respectfully submitted,

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8 Dated: May 12, 2008
9 /s/ David M.C. Peterson
10 **DAVID M.C. PETERSON**
11 Federal Defenders of San Diego, Inc.
12 Attorneys for Mr. Haynes
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